

SENATE BILL NO. 44

INTRODUCED BY D. MCGEE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE LEGISLATURE SHALL DETERMINE IF SECTIONS SHOULD BE ADDED TO THE STATE WATER PLAN; AMENDING SECTION 85-1-203, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 85-1-203, MCA, is amended to read:

"85-1-203. State water plan. (1) The department shall gather from any source reliable information relating to Montana's water resources and prepare from the information a continuing comprehensive inventory of the water resources of the state. In preparing this inventory, the department may conduct studies; adopt studies made by other competent water resource groups, including federal, regional, state, or private agencies; perform research or employ other competent agencies to perform research on a contract basis; and hold public hearings in affected areas at which all interested parties must be given an opportunity to appear.

(2) (a) The department shall formulate ~~and adopt and amend, extend, or add to a comprehensive, a comprehensive and~~ coordinated multiple-use water resources plan known as the "state water plan". The department shall make recommendations to the legislature regarding adoption, amendment, extension, or additions to the state water plan.

(b) The state water plan may be formulated and adopted in sections, these sections corresponding with hydrologic divisions of the state. The state water plan must set out a progressive program for the conservation, development, and ~~utilization~~ use of the state's water resources and propose the most effective means by which these water resources may be applied for the benefit of the people, with due consideration of alternative uses and combinations of uses.

(c) Before ~~adopting~~ proposing adoption of the state water plan or any section of the plan, the department shall hold public hearings in the state or in an area of the state encompassed by a section of the plan if adoption of a section is proposed. Notice of the hearing or hearings must be published for 2 consecutive weeks in a newspaper of general county circulation in each county encompassed by the proposed plan or section of the plan at least 30 days prior to the hearing.

(3) The department shall submit to the environmental quality council established in 5-16-101 and to the legislature at the beginning of each regular session the state water plan or any section of the plan or amendments, additions, or revisions to the plan that the department has formulated and ~~adopted~~ is proposing to the legislature for adoption.

~~(4) The legislature, by joint resolution, may revise the state water plan.~~

~~(5)~~(4) The department shall prepare a continuing inventory of the ground water resources of the state. The ground water inventory must be included in the comprehensive water resources inventory described in subsection (1) but must be a separate component of the inventory.

~~(6)~~(5) The department shall publish the comprehensive inventory, the state water plan, the ground water inventory, or any part of each, and the department may assess and collect a reasonable charge for these publications.

~~(7)~~(6) In developing and revising the state water plan as provided in this section, the department shall consult with the environmental quality council established in 5-16-101 and solicit the advice of the committee in carrying out its duties under this section."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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